

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

A & V.A.J.

NOTICE OF MOTION NO.3621 OF 2006

IN

ADMIRALTY SUIT (L) NO.2958 OF 2006

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Al-Gyas Exports Pvt.Ltd. ...Plaintiffs

v/s.

m.v. BANGLAR GOURAB & Ors. ...Defendants

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Mr.V.K.Rambhadran with Mrs.Venita M. Davar for the
Plaintiffs.

Mr.P.S.Pratap for the Defendants.

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CORAM: D.K.DESHMUKH, J.

DATED: 18TH OCTOBER, 2006

P.C.:

The learned Counsel appearing for the Plaintiffs states that because the Defendant No.2 has not indicated as to when the Defendant No.1/vessel will be able to undertake the journey, without prejudice to their rights and contentions, the Plaintiffs terminate the contract of carriage between the Plaintiff and the Defendant No.1/vessel.

Statement is accepted.

The learned Counsel appearing for the Defendant Nos. 1 and 2 states that without prejudice to their rights and contentions, on the Plaintiffs surrendering the original Bill of Lading to the Master of the Defendant No.1/vessel, the Defendants Nos. 1 & 2 shall permit the Plaintiffs to discharge their cargo on the Defendant No.1/vessel at the expenses of the Plaintiff. The learned Counsel states that the Master of the Defendant No.1/vessel shall extend all co-operation to the Plaintiffs in discharging the cargo.

Statement is accepted.

In view of these statements, it is directed that the Defendants Nos. 1 & 2 shall permit the Plaintiff to discharge their cargo on the Defendant No.1/vessel. It is also directed that while the discharge operations are going on, the Defendants Nos. 1 & 2 shall permit the surveyor appointed by the Plaintiffs to remain present on the vessel.

. It is made clear that on completion of the discharge of the cargo the order made by this court for arrest of the Defendant No.1 vessel shall automatically cease to operate.

. Instruments of release are dispensed with.

All concerned parties to act on ordinary copy of the order duly authenticated by the Associate/Private Secretary of the Court as a true copy.

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